

PTO/SB/21 (09-04)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/935,016	
	Filing Date	August 21, 2001	
	First Named Inventor	Walter D. Lichtenstein	
	Art Unit	2164	
	Examiner Name	Jinsong Hu	
Total Number of Pages in This Submission	12	Attorney Docket Number	PA1686US

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/Declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1) Confirmation Postcard:
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	2) Application Data Sheet
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.62 or 1.63		
<b>Remarks</b> Total page number does not include confirmation postcard.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Carr & Ferrell LLP	Cust. No.	22830
Signature	<i>Colleen M. Raphael</i>		
Printed name	Colleen M. Raphael		
Date	April 19, 2005	Reg. No.	55,565

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460 on the date shown below:			
Signature	<i>Colleen M. Raphael</i>		
Typed or printed name	Colleen M. Raphael, Reg. No. 55,565	Date	April 19, 2005

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

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PTO/SB/17p (11-04)

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<b>PETITION FEE</b> <b>Under 37 CFR 1.17(f), (g) &amp; (h)</b> <b>TRANSMITTAL</b> <input type="checkbox"/> (Fees are subject to annual revision) Send completed form to: Commissioner for Patents P.O. Box 1460, Alexandria, VA 22313-1460	Application Number	08/035,016
	Filing Date	August 21, 2001
	First Named Inventor	Walter D. Lichtenstein
	Art Unit	2154
	Examiner Name	Jinsong Hu
	Attorney Docket Number	PA1688US

Enclosed is a petition filed under 37 CFR 1.182 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130 is enclosed.  
 This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 06-0800:

☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments

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☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.53(a) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(a) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.58 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.205 - for review of refusal to publish a statutory invention registration.
- § 1.206 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.856 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 6.12 - for expedited handling of a foreign filing license.
- § 6.15 - for changing the scope of a license.
- § 8.25 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(e) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

*Colleen M. Raphael*  
 Signature

Colleen M. Raphael

Typed or printed name

April 19, 2005

Date

55,585

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

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PTO/SB/17p (11-04)

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<b>PETITION FEE</b> <b>Under 37 CFR 1.17(f), (g) &amp; (h)</b> <b>TRANSMITTAL</b> <input type="checkbox"/> (Fees are subject to annual revision) Send completed form to: Commissioner for Patents P.O. Box 1460, Alexandria, VA 22313-1460	Application Number	09/835,018
	Filing Date	August 21, 2001
	First Named Inventor	Walter D. Lichtenstein
	Art Unit	2154
	Examiner Name	Jinsoong Hu
	Attorney Docket Number	PA1686US

Enclosed is a petition filed under 37 CFR 1.182 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(f), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 06-0600  
☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments  
 Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.

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**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.83(a) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(a) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.89 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.138(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.288 - for review of refusal to publish a statutory invention registration.
- § 1.288 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.856 - for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 6.12 - for expedited handling of a foreign filing license.
- § 6.16 - for changing the scope of a license.
- § 6.26 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

*Colleen M. Raphael*

Signature

Colleen M. Raphael

Typed or printed name

April 18, 2005

Date

55,585

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

If you need assistance in completing the form, call 1-800-PTO-0100 and select option 2.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.: 09/935,016  
FILING DATE: August 21, 2001  
APPLICANT: Walter D. Lichtenstein et al. (as amended)  
TITLE: System and Method for Scheduling Data Transfers Over a Network  
ART UNIT: 2154  
EXAMINER: Jinsong Hu  
ATTY.DKT.NO.: PA1686US

## CERTIFICATE OF FACSIMILE

I hereby certify this paper is being faxed to the Central Facsimile Number at  
1.703.872.9306 on April 19, 2005.

By:

*Colleen M. Raphael*  
Colleen M. Raphael

MAIL STOP PETITIONS  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

ATTENTION: Office of Petitions

PETITION FOR CHANGE IN THE ORDER OF  
THE NAMES OF THE INVENTORS UNDER 37 C.F.R. § 1.182

SIR:

Applicants hereby petition the Director pursuant to 37 C.F.R. § 1.182, and in further accord with 37 C.F.R. § 1.181 and MPEP § 605.04(f), to change the order of the names of the inventors in the above-identified patent application.

37 C.F.R. § 1.182 provides "[a]ll situations not specifically provided for in the regulations . . . will be decided in accordance with the merits of each situation by or

under the authority of the Director, subject to such other requirements as may be imposed." Procedure for a change in the order of the inventor names is not provided for in the regulations. The MPEP, in that regard, notes changes will be made subject to "a petition under 37 C.F.R. § 1.182."

37 C.F.R. § 1.181 provides that a petition "must contain a statement of the facts involved and the point or points to be reviewed and the action requested." 37 C.F.R. § 1.181(b). In that regard, the present application was filed August 21, 2001 with the current order of inventors listed as:

- Ruttenberg, John C.;
- Lichtenstein, Walter D.;
- Agraz, David;
- Tobagi, Fouad A.;
- Munshi, Ashfaq A.;
- Lemke, David

In accordance with Rule 181(b), Applicants now request a review of the present petition to determine whether a change in the order of inventorship in the present application may be granted. In response to this petition and in further accord with Rule 181(b), Applicants request that the request for change in the order of inventorship be granted. Specifically, Applicants request the order of the inventors be changed to:

- Lichtenstein, Walter D.
- Ruttenberg, John C.;
- Agraz, David;
- Tobagi, Fouad A.;
- Munshi, Ashfaq A.;
- Lemke, David

Applicants have enclosed an application data sheet "showing the new order of inventor names to ensure appropriate printing of the inventor names in any patent to issue." MPEP § 605.04(f).

Rule 181(d) notes that "[w]here a fee is required for a petition to the Director the appropriate section of this part will so indicate." The Director is hereby requested to charge Deposit Account No. 06-0600 in the amount of \$130.00 as "[a]ny petition seeking a decision under [37 C.F.R. § 1.182] must be accompanied by the petition fee set forth in § 1.17(h)." The Director is further authorized to charge any additional fee required to this deposit account; two copies of the fee transmittal form are enclosed for this purpose.

Applicants finally note that per MPEP § 605.04(f), "[t]he petition to change the order of names must be signed by either the attorney or agent of record or all the applicants." An attorney of record for the present application under Customer Number 22830 has executed the present petition.

Having paid the necessary petition fee and fulfilled all other requirements under Rules 181 and 182, Applicants respectfully request the Director grant the present petition and allow for reordering of the Applicants' names.

Respectfully submitted,  
Walter D. Lichtenstein et al.

April 19, 2005

By:

Colleen M. Raphael

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